

UNITED STATES DISTRICT COURT  
for the  
Western District of North Carolina

United States of America )  
v. )  
JAMES MICHAEL PHILLIPS ) Case No: DNCW394CR000029-016  
Date of Original Judgment: January 24, 1995 ) USM No: 11085-058  
Date of Last Amended Judgment: \_\_\_\_\_ )  
Defendant's Attorney )

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

■ DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ is reduced to \_\_\_\_\_

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Original Offense Level: 38 Amended Offense Level: 38  
Criminal History Category: III Criminal History Category: III  
Original Guideline Range: 292-365 months Amended Guideline Range: 292-365 month

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Other (explain): The application of Amendment 750 provides no change in the guideline calculations in this case.

### III. ADDITIONAL COMMENTS

Defendant also sentenced to a consecutive term of 60 months on Count Three.

Except as provided above, all provisions of the judgment dated January 24, 1995 shall remain in effect.

## IT IS SO ORDERED.

Order Date: June 25, 2012

Effective Date: \_\_\_\_\_  
(if different from order date)

Frank D. Whitney